

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

WILLIAM ALAN PHILLIPS,)	
)	
Plaintiff,)	
)	No. 1:05-CV-215
v.)	
)	Judge Curtis L. Collier
CAPITAL TOYOTA, INC.,)	
LEXUS OF CHATTANOOGA, INC.,)	
JEFFREY McKAMEY, and GENE McGEE,)	
)	
Defendants.)	

ORDER

In accordance with the accompanying memorandum, the Court hereby **GRANTS IN PART** and **DENIES IN PART** Defendants Capital Motor Sales, Inc.’s, Jeffery McKamey’s, and Gene McGee’s (collectively “Defendants”) “Amended Motion for Partial Dismissal” (Court File No. 19).

The Court **ORDERS** as follows:

(1) Defendants’ amended motion to dismiss is **GRANTED** with respect to all non-willful claims brought under the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201 *et seq.*, and the Family Medical Leave Act (“FMLA”), 29 U.S.C. § 2601 *et seq.*, and these claims are **DISMISSED**; and

(2) Defendants’ amended motion to dismiss is **DENIED** with respect to Plaintiff’s willful FLSA claims.

Further, the Court **DENIES** Plaintiff’s original Motion for Partial Dismissal (Court File No. 6) as **MOOT**.

SO ORDERED.

ENTER:

/s/
CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE